

REMARKS

This paper is filed in response to the Office Action dated October 18, 2004. As this paper is filed on March 18, 2005 with a petition for a two-month extension of time, the paper is timely filed.

I. Status of Amendments

Claims 1-59 were pending prior to this response. By this amendment, applicants cancel claims 2, 3, 31, 35, 37 and 38 without prejudice to refile, and amend claims 1, 4, 14, 20, 21, 32, 36, 39, and 43-45. Thus, claims 1, 4-30, 32-34, 36 and 39-59 remain pending.

Applicants originally paid for 4 independent claims and 62 claims total. After this amendment, the application has 2 independent claims and 53 claims total. Thus, no additional fee is required.

II. Response to the October 18 Office Action

Applicants respond to the October 18 Office Action as follows:

A. Rejections under 35 U.S.C. 101

Claims 1, 5-13, and 22-30 are rejected under 35 U.S.C. 101 as directed to allegedly non-statutory subject matter. While applicants appreciate the clarification of this rejection in the October 18 Office Action (see, e.g., page 4 and "Response to Arguments," pages 10-11), amendments made in regard to the rejections under 102 and 103 render further argument on this point moot. Suffice it to say, applicants did not appreciate that the rejection was not based on "computer-related processes," given the extensive citation of case law in this regard. Applicants specifically reserve the right to renew their opposition to this rejection in this or subsequent applications, should claims be presented at a later date similar in form to any of claims 1, 5-13 and 22-30, as originally presented.

B. Double-Patenting Objection

While the objection to claim 6 remains captioned "Double Patenting," the comments reflect that this objection is based instead on 37 C.F.R. 1.75 for alleged duplicative claiming. As noted previously, MPEP 706.03(k) states that court decisions have confirmed an applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Moreover, a mere difference in scope between claims has been held to be enough to overcome an objection under section 37 C.F.R. 1.75, and applicants repeat that the subject matter of claim 6 is a subset of claim 5 (the subject matter of claims 5 and 6 is not co-extensive, and thus the claims are not duplicative). Applicants respectfully request an interview with the examiner and his supervisor if this objection is maintained.

C. Rejections under 35 U.S.C. 102(b) and 103

Claims 1, 2, 6, 7, 9-12, 26-33, 35-37, 41, 43, 44, 50-52, 54-56, and 59 are rejected under 102(b) as allegedly anticipated by Luciano (U.S. Patent No. 6,050,895). Claims 5, 34 and 58 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. 103 as allegedly unpatentable over Luciano. Claims 20, 43, and 57 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Luciano. Claims 13 and 53 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Luciano in view of Nakagawa (U.S. Patent No. 6,019,369) or Adams (unknown). Claims 1, 2, 5, 6, 11-13, 22-37, 45-48, and 53-59 are rejected under 35 U.S.C. 103 as allegedly unpatentable over Seelig (U.S. Patent No. 5,664,998) in view of Seelig (U.S. Patent No. 5,560,603), Weiss (U.S. Patent No. 5,772,509) or Luciano.

By contrast, claims 3, 4, 8, 14-19, 21, 38-40, 42, and 49 have not been rejected over any of the cited references. The fact that claims 3, 4, 14-19, 21, 38-40, 42, and 49 are allowable is reflected in the Office Action Summary (page 1 of the October 18 Office Action), although no mention of the fact is made in the body of the October 18 Office Action. Claim 8 would not have been included in that list because of the rejection raised under 35 U.S.C. 101, discussed above.

By this amendment, applicants amend claim 1 to include the limitations of claims 2 and 3, and claim 32 to include the limitations of claims 37 and 38 (claim 32 was also

amended in keeping with the limitations of claim 1). In keeping with the examiner's comments on page 1 of the October 18 Office Action, claims 1 and 32 should now be allowable. Moreover, because claims 4-30 depend from claim 1 and because claims 33-34, 36 and 39-59 depend from claim 32, claims 4-30, 33-34, 36 and 39-59 are allowable for at least the reason that claims 1 and 32 are now allowable.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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Date: March 18, 2005

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